

Mayor Patrick L. McCrory

Susan Burgess
Nancy Carter
Malcolm Graham
Patsy Kinsey
John W. Lassiter

Mayor Pro Tem Patrick De'Angelo Cannon

Don Lochman
James E. Mitchell, Jr.
Patrick Mumford
John H. Tabor, AIA
Warren Turner

CITY COUNCIL MEETING

Monday, February 9, 2004

5:00 p.m.

Conference Center

**Dinner Briefing
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7:00 p.m.

Meeting Chamber

- **Invocation**
- **Pledge of Allegiance**
- **Awards and Recognitions**
- **Formal Business Meeting**

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. FY2005 Focus Area Plans

Resources: Vi Alexander Lyles, Assistant City Manager
Dave Stephens, Deputy Police Chief
John Palmieri, Economic Development Office
Jim Humphrey, Transportation
Curt Walton, Assistant City Manager
Stanley Watkins, Neighborhood Development

Time: 45 minutes

Synopsis of Presentation:

In preparation for the February Council Retreat, staff will present the updates to the FY2005 Focus Area Plans. This presentation has historically occurred at the Retreat. However, the Retreat Planning Committee requested that the Focus Area Plans be presented prior to the retreat to provide more time at the retreat for Council discussion.

The Charlotte City Council has five focus areas: Community Safety, Communities Within A City, Transportation, Economic Development and Restructuring Government. While the focus areas have been stable over the past 10 years, the initiatives the organization undertakes to respond to each of the focus areas have changed to be responsive to new challenges or demands.

The Focus Area Plans highlight strategic issues and initiatives that will be implemented in the next year, as well as identifies measures to determine their success. Focus Area Plans are reviewed annually, but generally receive minimal changes during the second year of the two-year budget. The presentations will highlight some of the accomplishments in each plan from the previous year and will identify some of the changes for the FY2005 plan.

The Mayor and City Council will have an opportunity to discuss the Focus Area Plans at the Retreat. Staff will then bring the Focus Area Plans back to Council at the February 23 Business Meeting for approval.

Attachment 1

Draft FY2005 Focus Area Plans

2. Truck Route Designation Changes

Resource: Doreen Szymanski, Transportation

Time: 15 minutes

Synopsis of Presentation:

Large trucks with two or three axles and tractor-trailers are required to travel on designated truck routes within the City. If a truck has a local destination, the truck must remain on the designated truck route to the point closest to its local destination, at which time it may travel on the local street. By state law, all state numbered routes are truck routes. The City Council has the authority to designate truck routes on City maintained streets.

Staff recommends three changes to the City's designated truck route system.

1. Remove north Davidson Street from Jordan Place to Sugar Creek as a designated truck route. This request was initiated by the North Davidson Business Association to support continued revitalization of the north Davidson business core. The City has built new infrastructure in the NoDa business core, and is nearing completion on the \$3 million Davidson Matheson Connector project. The connector project was built specifically to attract and accommodate trucks in the NoDa area and limit their use of north Davidson Street.
2. Designate Jordan Place to Matheson Avenue, Matheson Avenue to 30th Street, and 30th Street to north Tryon Street as a designated truck route. This designation is necessary so that trucks in the NoDa area have an alternative truck route once the truck route designation is removed from north Davidson Street.
3. Designate Atando Avenue from Graham Street to I-77 a truck route. The \$10 million Asbury Project has rebuilt Asbury and Atando Avenues to support Graham Street as an industrial corridor. Atando Avenue from Tryon Street to Graham Street is already a designated truck route. Staff recommends extending that truck route designation along Atando Avenue.

Future Action:

This item will be on Council's agenda February 23, 2004 agenda.

Attachment 2

Map of North Davidson Street truck route changes

Map of Atando Avenue

3. Arena Out Parcel #3

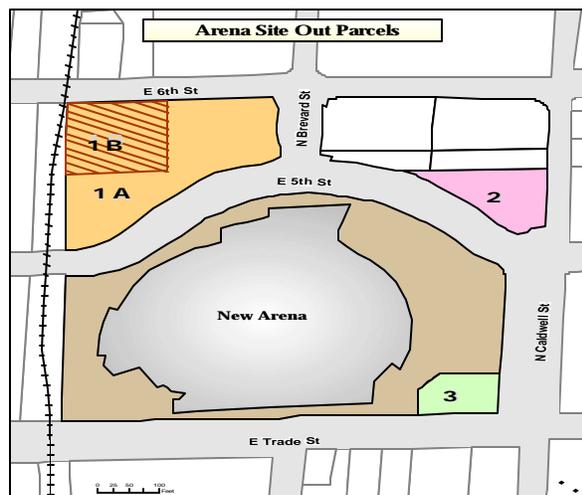
Resource: Curt Walton, City Manager's Office

Time: 15 minutes

Synopsis of Presentation:

On July 28, 2003 City Council approved a disposition process for arena out-parcel #3. Staff will update Council on the disposition process, which includes the following:

- Sell land through private sale process
- Develop and issue a Request for Qualifications to guide the sale process with the following components:
 - o Fixed Price of \$1.7 million for the land
 - o Retail requirement on the first floor
 - o CATS to have the option to purchase undivided interest of up to four floors as headquarters building (approximately 58,000 square feet)
 - o Design of the building to be complementary to the new arena
 - o Adherence to schedule which designs and constructs the building on a timeline similar to the new arena



Future Action:

Referral of staff recommendation to Council's Economic Development and Planning Committee (March)

Council consideration of Committee recommendation (April)

Attachment 3

Selection Criteria

4. Transportation Committee Report on Independence Boulevard High Occupancy Vehicle (HOV) Lane

Committee Chair: Pat Mumford

Resources: John Muth, Charlotte Area Transit System
Danny Rogers, Charlotte Area Transit System

Time: 15 minutes

Synopsis of Presentation:

The North Carolina Department of Transportation asked the Mecklenburg Union Metropolitan Planning Organization (MUMPO) for a decision on the use of the median lane of Independence Boulevard by March 1, 2004. The options include converting the facility to a High Occupancy Vehicle (HOV) lane as originally planned or continuing its use as a bus and vanpool only facility. Public meetings were held on December 18, 2003 and February 3, 2004 to gather citizen input. An analysis of the transportation and safety issues has been undertaken. Based on the study findings, staff recommends the continued use of the median lanes as a bus and vanpool only facility, until the Southeast Corridor Draft Environmental Impact Statement identifies the preferred transit/roadway design for the corridor.

Findings from the Draft Independence Boulevard HOV Re-evaluation Study, a summary of the public meeting and staff's recommendation were presented to the Council's Transportation Committee on February 9, 2004.

Future Action:

On February 23rd, City Council will direct the vote of the MUMPO representative, Pat Mumford.

Attachment 4

Executive Summary of the Independence Boulevard HOV Re-evaluation Study Transportation and Safety Analysis (Draft)

5. Picketing, Public Assembly and Parade Ordinance

Resources: Bob Hagemann, City Attorney's Office
Brad Richardson, Economic Development/Special Events
Judy Emken, Police Attorney's Office

Time: 15 minutes

Synopsis of Presentation:

During the recent recodification of the City Code, staff identified the need to update the picketing and parade regulations to conform to developing First Amendment law and current administrative practices. Staff also saw this as an appropriate time to move what are currently City Manager policies for public assemblies, demonstrations, and festivals into the City Code. The Parade Committee unanimously voted to endorse the proposed ordinance.

Highlights of the proposed ordinance include:

Picketing Regulations

- Picketing by 25 or more persons requires a permit
- Ordinance details permit application requirements, standards for approval, and provides a constitutionally required appeals process
- Pickets of less than 25 people do not require a permit but do require two-hour advanced notification to the Police
- New prohibitions of picketing: (a) adjacent to a school when in session; (b) targeting a particular private residence; and (c) in a median

Public Assembly and Parade Regulations

- Establishes clear time frames for permitting decision, with the right to an administrative appeal with subsequent judicial review (replaces the current appeal to City Council)
- Eliminates the indigency exception for payment for police traffic control resources
- Instead of exempting the Martin Luther King, Veteran's Day, Carrousel, and Shrine Bowl parades by name from the regulatory requirement that the applicant pay for police traffic control resources, provides that the City may provide such services at no or reduced cost as an affirmative act of City association or speech
- Abolishes the Parade Committee

Future Action:

This ordinance will be on the February 23rd Business agenda.

7:00 P.M. AWARDS AND RECOGNITIONS MEETING CHAMBER

CONSENT

- 6. Consent agenda items 18 through 48 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

7. **Public Hearing and Resolution to Close a Portion of a 10-foot Alleyway Bounded by East Boulevard, Kenilworth Avenue, Buchanan Street and Dilworth Road East**

Action: A. **Conduct a public hearing to close a portion of a 10-foot alleyway bounded by East Boulevard, Kenilworth Avenue, Buchanan Street, and Dilworth Road East, and**

B. Adopt a resolution to close.

Staff Resource: Roger Buell, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation:

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.

Petitioner:

Kenilworth Lofts, LLC/William K. Diehl, III

Right-of-Way to be abandoned:

A portion of a 10-foot alleyway bounded by East Boulevard, Kenilworth Avenue, Buchanan Street, and Dilworth Road East

Location:

This 10-foot alleyway, bounded by East Boulevard, Kenilworth Avenue, Buchanan Street, and Dilworth Road East, is located in Dilworth Community Development Association. The portion begins 100 feet from the existing alleyway off of Kenilworth Avenue continuing approximately 50 feet southwestwardly to its terminus.

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for future development

Notification:

In accordance with City policy, the Charlotte Department of Transportation has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Linda L. Coad and Paul J. Isaacs – No objections
 Steve C. Porter and Denise G. Porter – No objections

Neighborhood/Business Associations

Dilworth Community Development Association - No objections
 Sedgefield Neighborhood Association - No objections
 First Ward Neighbors, Inc. - No objections
 Cherry Community Organization - No objections
 Myers Park HOA, Inc. – No objections
 Friends of Fourth Ward, Inc. - No objections
 Third Ward Neighbors Association - No objections

Private Utility Companies

No objections. Easements are provided to utility companies to maintain their existing facilities as requested.

City Departments

Review by City departments has identified no apparent reason this closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 5

Map

8. Public Hearing and Resolution to Close a Portion of East Trade Street

Action: A. Conduct a public hearing to close a portion of East Trade Street, and

B. Adopt a resolution to close.

Staff Resource: Roger Buell, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation:

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.

Petitioner:

Mecklenburg County and Self Help Ventures Fund/Robert Lutz

Right-of-Way to be abandoned:

A portion of East Trade Street

Location:

This portion of East Trade Street is located within the Uptown District, beginning from Elizabeth Avenue continuing approximately 172 feet southwardly to its terminus.

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for development of a parking deck for the new County Courthouse

Notification:

In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Self Help Ventures Fund – No objections

City of Charlotte – No objections

Neighborhood/Business Associations

Center City Partners - No objections

Eastover Resident's Association - No objections

First Ward Neighbors, Inc. - No objections

Dilworth Community Development Association - No objections

Friends of Fourth Ward, Inc. - No objections

Third Ward Neighbors Association - No objections

Cherry Community Organization - No objections

Belmont Neighborhood Strategy Force - No objections

Elizabeth Community Association - No objections

Private Utility Companies

No objections. Easements are provided to utility companies to maintain their existing facilities as requested.

City Departments

Review by City departments has identified no apparent reason this closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 6

Map

9. Public Hearing and Resolution to Close a Portion of Old Nations Ford Road

Action: A. Continue the public hearing from December 8, 2003,
B. Close the public hearing to close a portion of Old Nations Ford Road, and
C. Adopt a resolution to close.

Staff Resource: Roger Buell, Transportation

Policy:

To abandon a portion of right-of-way that is no longer needed for public use

Explanation:

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation received a petition to abandon a portion of the public right-of-way and requests this Council action in accordance with the statute.

At the December 8, 2003 public hearing, the Council voted to continue the public hearing at their next meeting in order to provide additional notification to surrounding neighborhoods, abutting/adjoining property owners, and businesses of the abandonment petition. Due to the holidays and the inability for the petitioner to schedule a neighborhood meeting prior to the January 12th Council meeting, the Council voted to continue the public hearing on February 9th. Representatives from the City and Vulcan Materials met with area residents at the Silver Mount Baptist Church on January 15th.

During the January 12th agenda briefing, there was a question as to whether or not right-of-way buffers were required. The following buffers exist as referenced in the Zoning Code:

1. A 50-foot buffer measured from the right-of-way is required for any building, extraction, road, driveway or pit. This buffer requires 9 trees and 60 shrubs per 100 feet of frontage to be maintained.
2. A 200-foot buffer measured from the right-of-way is required for any crushing of rock, processing of stone, gravel or other material.
3. A 400-foot buffer measured from the right-of-way is required for any blasting.

The width of the right-of-way for Old Nations Ford Road is 60 feet.

At the January 15, 2004 public meeting at Silver Mount Baptist Church on Arrowood Road approximately 50 residents and property owners attended to discuss their concerns with staff and the petitioner. Almost half spoke about Vulcan Materials' current blasting operations. Those individuals expressed

concerns about the impact to their homes resulting from noise, vibration and dust. Those in attendance reached consensus not to support the abandonment of this portion of Old Nations Ford Road. They expressed concern that the abandonment would result in expanded blasting operations in the area. Vulcan Materials representatives indicated that the abandonment would not result in increased blasting frequency. Also, because the recently acquired property and right-of-way petitioned for abandonment is further from the Ramblewood and Windsong neighborhoods than existing blasting operations, blasting in these new areas would have a lesser impact on these neighborhoods.

Currently, Vulcan Materials may not blast within 400-feet of the existing right of way. If this portion of Old Nations Ford Road is abandoned, blasting operations could occur both in the existing right of way and in the 400-foot buffer surrounding the right of way. Vulcan Materials indicates that they currently conduct blasting operations within 825 feet of the Ramblewood subdivision and that the new quarry development area, if the abandonment were to be approved, would be no closer than 1500 feet of the subdivision.

Petitioner:

Vulcan Materials Company/Dean Sunas

Right-of-Way to be abandoned:

A portion of Old Nations Ford Road

Location:

Located within the Sterling Community area beginning from the private portion of Old Nations Ford Road continuing approximately 860 feet to its terminus at the proposed cul-de-sac located at the property line of a parcel owned by S&S Properties.

Reason:

To incorporate the right-of-way into adjacent property owned by the Petitioner for future expansion of Vulcan Materials Company

Notification:

In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review. In addition, City staff directly mailed 354 separate notices of the January 15th public meeting inviting each property owner in the Ramblewood and Windsong subdivisions, Charlotte-Mecklenburg Schools, Charlotte Area Transit System, Central Piedmont Community College, and adjacent property owners.

Adjoining property owners

S&S Properties – No objections

Ruth G. Murchison – No objections

Ruth Williamson Moore – No objections

Hebron Carmel Investment Group – No objections
Gus Oberman – No objections
Central Piedmont Community College – Wanda Towler, Associate Vice
President for Facilities - verbally responded not in favor of abandonment

Neighborhood/Business Associations

Sterling Community Organization (A documented subdivision association)
Pat Redd, President – verbally responded not in favor of abandonment.
Ramblewood Community – (No documented subdivision association). The
following responded in writing.
Rosetta and Carrie Mason (residents) – not in favor of abandonment
Ruby A. Rorie (resident) - not in favor of abandonment
Dorothy Roary (resident) - not in favor of abandonment
Bertha F. Fee (resident) - not in favor of abandonment

Windsong Community – (No documented subdivision association)
The following responded in writing.
Betty S. Huntley (resident) –not in favor of abandonment
Carlton and Candiss Bordner (residents) - not in favor of abandonment
Thomas Hayden (resident) - not in favor of abandonment
Joseph and Shirley Baker (residents) - not in favor of abandonment

Private Utility Companies

No objections. Easements are provided to utility companies to maintain their
facilities as requested.

City Departments

Review by City departments to include CDOT, CATS, SWS, E&PM,
Planning, CMUD, CMPD, CFD, CD, has identified no apparent reason this
closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable
means of ingress and egress to his property as outlined in the statutes.

Attachment 7

Area Map
Buffer Map
Resolution
Petitioner's position statement letter

POLICY

10. City Manager's Report

11. Community Safety Committee Report on Spay/Neuter and Revised Contract for Spay/Neuter Services with the Humane Society of Charlotte



Action: A. Accept the report of the Community Safety Committee on animal euthanasia rates and spay/neuter services, and

B. Approve the Community Safety Committee recommendation for a renegotiated contract with the Humane Society of Charlotte for spay/neuter services.

Committee Chair: Mayor Pro Tem Patrick Cannon

Staff Resources: Vi Lyles, City Manager's Office
 Tammy Williams, Charlotte-Mecklenburg Police
 John Joye, Charlotte-Mecklenburg Police

Explanation:

At the July 25, 2003 Council meeting, the Community Safety Committee was given the charge to:

- Develop an understanding of the spay/neuter issue in Charlotte and how it relates to the animal euthanasia rate
- To examine the City's contractual relationship with the Humane Society of Charlotte

City staff presented information at two committee meetings. As a result of their discussion, the Committee made three recommendations:

- Set goals for increased spay/neuter services and include discussion of a more aggressive spay neuter/campaign as a part of this year's budget discussion
- Accept the audit of the Humane Society's Spay/Neuter Clinic
- Renegotiate the contract with the Humane Society of Charlotte to achieve the goals outlined below

Council is asked to accept the Committee Report and its recommendations.

1. Spay/Neuter Goals:

The Committee has asked the Police Department's Animal Control Bureau to provide several options for increasing spay/neuter services and their

associated costs. The Committee asked that they receive the information prior to the discussion at the March 10th Budget Retreat.

2. Audit of the Humane Society Spay/Neuter Clinic:

The City's Internal Audit Division conducted an audit of the Humane Society of Charlotte' Spay/Neuter Clinic. The audit showed that the clinic exceeds the number of surgeries required by the contract and that their records support the invoices submitted to the City. Their monthly statistical reports are submitted on time and their insurance requirements are met. The only exception to contract compliance was the delivery of the 2002 Financial Report one month late. The Committee discussed the possibility of a full audit of the Humane Society. The Humane Society was willing to allow a full audit if requested by the City. The Committee voted to recommend acceptance of the City audit of the Society's Spay/Neuter Clinic.

3. Renegotiate Contract to Achieve Four Goals:

The existing contract with the Humane Society of Charlotte (HSC) currently consists of four documents:

- A lease of city property to the HSC
- A contract for low cost spay/neuter services provided by the HSC
- A minor amendment to the effective dates of the above
- A lease renewal dated October 8, 2001

The lease and contract are 10 years old and the existing lease renewal extended the lease for another 10 years. While the contract was functional, it was outdated and lacked the flexibility to cover actual practices as they have evolved, including mobile spay/neuter clinics.

Based on staff's assessment of the contract and the Community Safety Committee's discussion, City staff has worked cooperatively with the HSC to negotiate an updated contract and lease. The new contract incorporates four goals endorsed by the Committee.

The four goals are:

- Updated monthly numbers of spay/neuter surgeries performed by the HSC
- Facilitation of mobile spay/neuter clinics
- Clarification of HSC obligations and securing current facility for HSC spay/neuter clinic
- Preservation of the HSC's independent contractor status

The key components of the new contract are:

- A term of five years (instead of ten years) with automatic renewals if updates are unneeded
- Updated monthly spay/neuter minimums (from 314 to 450)
- Lease of the HSC's mobile clinic to the City at a rate of \$1 per year
- The lease of the old City animal control facility on Toomey Avenue to the HSC is renewed with greater procedural clarity

- The HSC remains an independent contractor with reasonable reporting requirements to include annual budget reports and monthly productivity reports for the spay/neuter clinic

Committee Discussion:

The Committee reviewed the current animal euthanasia rates and developed a better understanding of their relationship to spay/neuter rates. The Committee favors an aggressive approach for increasing the number of spay/neuters with the ultimate goal of reducing the unwanted animal population in Charlotte-Mecklenburg.

At its October 9 meeting, the Committee voted unanimously to approve the four goals for the contract negotiations. Mayor Pro Tem Cannon and Council Members Tabor and Cogdell voted to endorse the goals; Council Members Mitchell and Wheeler were absent.

Community Input:

The community had the opportunity to provide input at Committee meetings on September 10 and October 9, 2003. Representatives from the Humane Society of Charlotte and the Humane Society of Mecklenburg County attended both meetings. Input was taken in the form of written questions and comments. Staff replied to the comments and the Committee was given copies of all the responses. All of the input centered on the need to increase the number of spay/neuters and reduce euthanasia rates.

Funding:

Service level change options will be provided to the Community Safety Committee for comment and to the Council for consideration at the March 10th Budget Retreat.

Attachment 8

Community Safety Committee Report on Animal Euthanasia and Spay/Neuter Issues

12. 2004 Federal Legislative Priorities

This item will be included in the Friday, February 6, 2004 Council-Manager Memorandum.

BUSINESS

13. Planning Director Profile

Action: Approve the Position Profile for the Charlotte-Mecklenburg Planning Director.

Staff Resource: Curt Walton, City Manager's Office

Explanation:

In November 2003 the City Council and County Commission approved a process for recruiting and selecting the Charlotte-Mecklenburg Planning Director. The first step in the process includes development of a profile for the Planning Director, following significant stakeholder input through interviews, focus groups and surveys. Pursuant to that process a profile has been developed and the City Manager recommends its approval.

Background:

The approved process included the following:

- Interviews with the Mayor and City Council
- Interviews with the Mecklenburg County Board of Commissioners
- Interviews with the Charlotte-Mecklenburg Planning Commission
- Focus groups with the development community and neighborhood leaders
- Focus groups with Planning Department staff
- A survey to solicit comments from the Charlotte-Mecklenburg School Board, the Superintendent of Schools, the Centralina Council of Governments and Voices and Choices
- In addition, a comment form was placed on the City/County website to receive additional comment from the public.

In December 2003, an executive search firm conducted 19 focus group sessions. In January 2004, the survey was administered. All of the interviews, focus groups and surveys outlined in the approved search process have been completed. Based on this input, the attached profile for the Charlotte-Mecklenburg Planning Director is recommended.

Key Components of the Profile:

As a result of the stakeholder input, attributes for the ideal Planning Director have been developed. The complete list is on pages 6 and 7 of the profile which is attached. Selected attributes include:

- A pragmatic "thinker" with a vision for integrating and implementing smart growth principles, anticipating municipal trends and issues, and integrating planning principles with public transit and transportation issues;
- A consensus builder able to balance all perspectives of planning issues;
- A strong communicator;

- A person of strong personal ethics and values who is well respected and able to gain the trust of the elected and appointed leadership, the staff, the development and business communities, and the neighborhoods;
- The Director cannot be a micro-manager, but must continue to delegate to the department's leadership team and hold them accountable for performance. A skilled staff developer able to hire and retain professional staff;
- A strong sense of urban priorities, while remaining sensitive to suburban needs. There must be an awareness of private sector priorities, but also an awareness of and appreciation for the economic reality of growth and the marketplace. A keen awareness of national trends and local solutions is vital.

Next Steps in the Recruitment Process:

The next steps in the recruitment process approved by the City Council and the County Commission are as follows:

- Applications and resumes will be received by the executive search consultant
- The City Manager and the executive search firm will narrow the field of candidates
- Characteristics of the final candidates will be presented to the Mayor and City Council in closed session
- Interviews will be conducted by the City Manager, the County Manager, the Chair of the Planning Commission, the Chair of the Chamber of Commerce, and a neighborhood representative
- Final selection is to be made by the City Manager pursuant to the City Charter

The goal is to fill the position in May 2004.

Attachment 9

Position Profile

14. King Machine Business Investment Grant

Action: Approve the City share of a Business Investment Grant to King Machine for a total estimated amount of \$50,400 per year over 5 years. (Total City/County grant for the five-year period estimated at \$138,764.)

Staff Resource: Tom Flynn, Economic Development Office

Explanation:

King Machine is a privately held company that manufactures and repairs tire molds for the automotive industry. King Machine currently employs 45

people in a Charlotte facility in the Arrowood-Westinghouse area.

King Machine will be relocating and consolidating their facilities in Gaston County and in Charlotte in one location inside the Arrowood-Westinghouse area. King Machines total investment in new equipment and building at their new location will be \$3.2 million dollars and adding 30 new employees. The average wage for the new employees will be \$600 per week (\$31,200 per year). The initial investment will be \$700,000 in improvements to their facility including updating the office and manufacturing plant. In addition to relocating equipment from their current Charlotte location, they will be relocating \$500,000 worth of equipment to Charlotte from their Gaston County location. There will be an additional investment of \$2 million dollars in the next few years. The grant payment will not begin until the investment reaches \$1.5 million.

Staff recommends a City County Business Investment Grant to King Machine for the following reasons.

1. King Machine meets all of the other requirements of the Business Investment Grant program, except it is below the wage requirement of \$704 per week.
2. The investment grant will retain 45 manufacturing jobs in Charlotte and adds another 30 manufacturing jobs.
3. South Carolina has offered monetary incentives for King Machine to move to South Carolina, and a City/County Business Investment grant helps offset the South Carolina incentives.
4. King Machine is estimated to have a direct economic impact of \$8 million per year on Charlotte's economy, and generate additional taxes of \$91,000 per year to the City and \$150,000 per year to the County.
5. The Business Advisory Committee unanimously supported an investment grant based on the high return on investment for the City.

If approved, the following schedule is an estimate of the Investment Grant payments to King Machine.

Year	City	County	Total
1	\$11,424	\$20,030	\$31,454
2	\$10,752	\$18,851	\$29,603
3	\$10,080	\$17,673	\$27,753
4	\$9,408	\$16,494	\$25,902
5	\$8,736	\$15,316	\$24,052
Total	\$50,400	\$88,364	\$138,764

The general terms and condition of this grant include:

1. Portion of the grant must be repaid if the company moves this investment from Charlotte within 5 years of the end of the grant term.

2. Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
3. All property taxes due from the company must be paid before a grant payment is made.

The Mecklenburg County Board of Commissioners will consider this grant on February 18, 2004.

Funding:

Business Investment Grant Account, first payment would be made in FY06

14. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified. For nominations A-E, these citizens did not meet Council's 65% attendance policy for 2003.

A. Business Advisory Committee

One appointment beginning immediately and ending April, 2006 to replace Sandra Ridings. Must be a recommendation from the Charlotte Chamber.

Attachment 10

Applications

B. Certified Development Corporation

In the Local Government category, one appointment beginning immediately and serving until April 2006 to replace Terry Bradley.

Community Organization category: One appointment beginning immediately and serving until April 2006 to replace Derrick Knox.

Private Lending category: One appointment beginning immediately, serving until April, 2004 and then serving the next full, three year term to replace Steven May.

Attachment 11

Applications

C. Charlotte Mecklenburg Public Access Corporation

One appointment beginning immediately, serving until June 2004 and then serving the next full three year regular term to replace Kelvin Carter. Must be employed in a financial capacity.

Attachment 12

Applications

D. Keep Charlotte Beautiful Committee

Three vacancies exist. One vacancy is to replace James McCoy. Term will begin immediately, serve until June 2004 and then serve the next full three year term

Another vacancy will replace Anthony Willis. Term will begin immediately and serve until June 2005.

The third vacancy will replace Steven Earley. Term will begin immediately and serve until June 2006.

Attachment 13

Applications

E. Mayor's International Cabinet

One vacancy exists to fill a position beginning immediately and serving until February, 2005 to replace Yvette Sayles.

Attachment 14

Applications

F. Neighborhood Matching Grants

Two appointments beginning immediately, serving until April 2004 and then serving a two year term. One will replace Michelle Thomas, representing a non-profit organization, and the other will replace Steven Lawrence, an open category.

Attachment 15

Applications

G. Tree Advisory Committee

The Chair of the Tree Advisory Committee requested that this item be on Council's agenda as they are having trouble maintaining a quorum. Council may nominate and appoint by acclamation tonight if desired.

One appointment beginning immediately and serving until December, 2005 to replace Beverly Dye, who has moved out of the County.

Attachment 16

Applications

H. Waste Management Advisory Committee

On January 12, 2004 Council approved the recommendation to County Commission of Debrah Carl for this Committee. Staff has been informed that County Commission appointed Ms. Carl to this committee January 6, 2004.

Council will need to make another recommendation to County Commission.

Attachment 17
Applications

15. Appointments to Boards and Commissions

Action: Vote on blue ballots and give to City Clerk at dinner.

A. Business Advisory Committee

Two appointments beginning immediately and serving until April 2005.

1. Derrick Alexander by Council member Mitchell
2. William Ashcraft by Council member Burgess
3. Wanda Craig by Council member Kinsey
4. Brad DuPree by Council member Mumford
5. Renata Henderson by Council member Turner
6. Eric Kammerer by Council member Lochman
7. Bill Miller by Council member Carter
8. Mike Schmidt by Council member Lochman
9. Billy Smith by Council member Burgess

Attachment 18
Applications

B. Certified Development Corporation

One appointment beginning immediately and serving until April 2006, representing a community organization.

1. Jason Baker by Council member Mumford
2. Matthew Cowell by Council member Lochman
3. Brenda McMoore by Council member Mitchell
4. Sandy Ridings by Council member Tabor

Attachment 19
Applications

C. Charlotte-Mecklenburg Public Access Corporation

One appointment beginning immediately and serving until June 2005 in television or radio, but not in public access.

1. Anja Benbow by Council member Kinsey
2. Ron Bilek by Council member Tabor
3. Allison Christopher by Council member Carter
4. Andy Neill by Council member Burgess

5. Kevin Warlow by Council member Turner

Attachment 20

Applications

D. Mayor's International Cabinet

Open Category

One appointment for three years beginning March 2004.

1. Kevin Geddings by Council member Tabor
2. Mohammad Ismail by Council member Carter
3. Constance Knight by Council member Burgess
4. Bob Percival by Council member Mumford

Ethnic Association Category

One appointment for three years beginning March 2004.

1. Astrid Chirinos is eligible and wants to be reappointed.

Attachment 21

Applications

E. Neighborhood Matching Grants Committee

Business Category

One two-year appointment beginning April 2004.

1. Carl Durham by Council member Kinsey
2. Amy Farrell by Council member Tabor
3. Jean Greer by Council member Carter
4. Charles Jackson by Council member Graham
5. Jessica Lightfoot by Council member Mitchell

Neighborhood Representative

Two two-year appointments beginning April 2004.

1. Roger Coates by Council member Mumford
2. Lisa Platock by Council member Carter
3. Brian Scott by Council member Tabor
4. Jodi Turner by Council member Burgess
5. Frederick Wilson by Council member Burgess

Attachment 22

Applications

F. Privatization/Competition Advisory Committee

One appointment beginning immediately and serving until March 2004 and then serving the next full, two-year term.

1. Pam Beckman by Council member Burgess

2. Eric Montgomery by Council member Mitchell
3. Rick Ward by Council member Tabor

Attachment 23

Applications

G. Sister Cities Committee

One appointment beginning immediately and serving until April 2004 and the next full two-year term.

1. Althea Callaway by Council members Burgess, Carter, and Tabor
2. Matthew Cowell by Council member Lochman
3. Felice Hightower by Council member Graham
4. Michelle Phifer by Council member Mitchell

Attachment 24

Applications

16. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

MAYOR AND COUNCIL TOPICS

At the end of the formal agenda, Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with the Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity Program's (SBO) purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO Program Policy for SBE outreach and utilization. Professional services contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO Program Policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractors and consultants selections follow the Council approved process unless explained otherwise.

CONSENT I

17. Various Bids

A. Charlotte Police/Fire Training Academy EPM Contaminated Soil Remediation

Recommendation:

The City Engineer recommends the low bid of \$557,177.25 by Harvest Environmental Services, Inc. of Charlotte, North Carolina. This environmental project will remove and properly dispose of approximately 16,600 tons of contaminated soil resulting from past operations of the Fire Department training exercises. The State Environmental Protection Agency has approved the City's soil remediation plan and schedule.

The area will be backfilled with suitable soil. Upon successful remediation, the Charlotte Fire Department will be able to plan for redevelopment of the site, which may include new training exercises and vehicle storage facilities.

Small Business Opportunity:

Established SBE Goal: 1%

Committed SBE Goal: 21%

Harvest Environmental Services, Inc. has committed 21% (\$120,000) of the total contract amount to SBE participation.

B. FY2004 Annual Sanitary Sewer Rehabilitation CMU**Recommendation:**

The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$6,643,546.62 by Reynolds, Inc. of Orleans, Indiana. This project includes rehabilitation and replacement of approximately 123,500 linear feet of old sewer lines, located throughout Mecklenburg County. These repairs include point repairs, lateral replacement and manhole rehabilitation.

Small Business Opportunity:

Established SBE Goal: 2%

Committed SBE Goal: 11.54%

Reynolds, Inc. has committed 11.54% of this project (\$766,839) to one SBE firm. In addition, they complied with and exceeded the Good Faith Efforts established for this project.

C. Purchase and Installation of Standby/Peaking Generators for Sardis, Sharon, and Idlewild Pump Stations CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$2,405,000 by State Utility Contractors, Inc., Monroe, North Carolina. This contract provides for the purchase and installation of one high speed, diesel generator at the Sardis Road, Sharon Road and Idlewild Road water pump stations. The generators will be used as a backup power source.

Small Business Opportunity:

Established SBE Goal: 5%

SBE Committed Goal: 4%

State Utility Contractors has committed 4% (\$118,420) to three SBE firms. State Utility Contractors complied with the Good Faith Efforts, but were unable to meet the 5% goal.

D. Gleneagles Sidewalk EPM**Recommendation:**

The City Engineer recommends the low bid of \$270,011.50 by Carolina Cajun Concrete, Inc. of Charlotte, North Carolina. The City's sidewalk program was established to construct sidewalk on both sides of all thoroughfares and on one side of all collector streets and citizen

requested local streets based on need. These sidewalk projects are evaluated and ranked based on safety and total need. This project will improve pedestrian mobility, access, and connectivity among various neighborhoods along the south side of Gleneagles Road from Winged Bourne Road to Quail Hollow Country Club.

The anticipated project completion date is May 2004.

Small Business Opportunity:

Established SBE Goal: 5%

Committed SBE Goal: 10%

Carolina Cajun Concrete, Inc. committed 10% (\$27,600) of the total contract amount to certified SBE participation.

E. Hassell Place Sidewalk Improvements EPM

Recommendation:

The City Engineer recommends the low bid of \$242,287.50 by Carolina Cajun Concrete of Charlotte, North Carolina. The City sidewalk program was established to construct sidewalk on both sides of all thoroughfares and on one side of all collector streets and citizen requested local streets based on need. These sidewalk projects are evaluated and ranked based on safety and total need.

This project is a non-thoroughfare sidewalk project and will improve pedestrian mobility and access, by constructing a 5-foot sidewalk; curb and gutter; and planting strips along the north side of Hassell Place from Brandywine Road to Selwyn Avenue.

Storm water improvements along the south side of Hassell Place will be provided also to improve drainage conditions within the area

The anticipated project completion date is second quarter 2004.

Small Business Opportunity:

Established SBE Goal: 4%

Committed SBE Goal: 7%

Carolina Cajun Concrete, Inc. committed 7% (\$17,850) of the total contract amount to certified SBE participation.

F. North Brevard Street and Mallory Street Sidewalk Improvements EPM

Recommendation:

The City Engineer recommends the low bid of \$98,763 by Bullseye Construction, Inc. of Charlotte, North Carolina. The City's sidewalk program was established to construct sidewalk on both sides of all thoroughfares and on one side of all collector streets and citizen requested local streets based on need. These sidewalk projects are

evaluated and ranked based on safety and total need. This project will improve pedestrian mobility, access, and connectivity among various neighborhoods along/surrounding Mallory Street and North Brevard Street.

The anticipated project completion date is May 2004.

Small Business Opportunity:

Established SBE Goal: 3%

Committed SBE Goal: 5%

Bullseye Construction, Inc. committed (\$5,265) of the total contract amount to certified SBE participation.

G. Herrinwood Neighborhood Improvements EPM

Recommendation:

The City Engineer recommends the low bid of \$2,585,983.10 by 7 Star Construction Company, Inc. of Rock Hill, South Carolina. The Herrinwood neighborhood is one of the twenty-two neighborhoods targeted for infrastructure improvements under the 2000 Neighborhood Improvement Program voter approved Bond Referendum. This project will construct curb and gutter, sidewalk, grading, minor storm drainage, and waterline improvements in the Herrinwood neighborhood bounded by Shamrock Drive, East Sugar Creek, The Plaza and Academy Street.

The anticipated project completion date is second quarter of 2005.

Small Business Opportunity:

Established SBE Goal: 6%

Committed SBE Goal: 6%

7 Star Construction committed 6% (\$156,000) of the total contract amount to certified SBE participation.

H. Transit Bus Wash Facility Roof Replacement EPM

Recommendation:

The City Engineer recommends the low bid of \$121,330 by Radco Construction Services of Charlotte. This project installs a new roof on the Transit Bus Wash, an approximately 11,868 square foot building located at 901 North Davidson Street. The existing roof leaks and has exceeded its life expectancy.

Anticipated completion date is third quarter of 2004.

Small Business Opportunity:

Established SBE Goal: 0%

Committed SBE Goal: 0%

There were no certified SBEs for this scope of service in the Vendor Management System.

I. CMGC Basement, 1st, & 2nd Floor Restroom Repairs EPM

Recommendation:

The City Engineer recommends the low base bid of \$128,700 by Eaglewood, Inc. of Denver, North Carolina. The project provides demolition and refurbishment of approximately 2,133 square feet of restroom floor space. Work includes replacement of ceramic tile, countertops, faucets, and miscellaneous plumbing improvements.

The anticipated completion date is third quarter of 2004.

Small Business Opportunity:

Established SBE Goal: 1%

Committed SBE Goal: 4%

Eagle Wood, Inc. has committed 4% (\$6,000) of the total contract amount to certified SBE participation.

J. Police K-9 Ford Explorers BSS

Recommendation:

The Charlotte Mecklenburg Police Chief and the Equipment Management Division recommend the lowest unit price bid of \$22,339 by Benson Ford Mercury of Easley, South Carolina for Police K-9 Ford Explorers. The total estimated initial expenditure for FY04 is for 6 units at a total of \$134,034. The contract is for one year with an option to renew for two additional one-year periods. Although initially intended to be on behalf of CMPD, this City-wide unit price contract is for the potential use by any City Key Business Unit.

Small Business Opportunity:

Established SBE Goal: 0 %

Committed SBE Goal: 0%

The Small Business Program Manager waived the SBE goal for this project. In order to establish a goal for the project, there must be SBE firms certified in the City's Vendor Management System to perform the subcontracting opportunities identified for the project. There were no SBE firms certified to perform this project.

19. In-Rems

For In Rem Remedy #A-Q, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence
- Reduce the proportion of substandard housing
- Increase tax value of property by making land available for potential infill housing development

Policy:

- Communities Within A City
- Community Safety Plan

The In Rem Remedy items violate the minimum housing code and are initiated in 3 categories:

1. Public Safety – Police and/or Fire Department
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Properties referred by Charlotte-Mecklenburg Police Department:

- A. 419 Wellingford Street (Neighborhood Statistical Area 140-Hidden Valley Neighborhood)
- B. 511 West Todd Lane (Neighborhood Statistical Area 17-Todd Park Neighborhood)
- C. 2008 Double Oaks Road (Neighborhood Statistical Area 3-Genesis Park Neighborhood)
- D. 3600 Beaux Street (Neighborhood Statistical Area 12-Westerly Hills Neighborhood)
- E. 500 W. 24th Street (Neighborhood Statistical Area 36-Tryon Hills Neighborhood)
- F. 1509 Moretz Avenue (Neighborhood Statistical Area 37-Druid Hills Neighborhood)
- G. 903-05 Anderson Street (Neighborhood Statistical Area 44-North Charlotte Neighborhood)
- H. 911-13 Anderson Street (Neighborhood Statistical Area 44-North Charlotte Neighborhood)
- I. 631-631B Bradford Drive (Neighborhood Statistical Area 17-Thomasboro/Hoskins Neighborhood)

Properties identified by Code Inspection:

- J. 609 Manhasset Road (Neighborhood Statistical Area 70-Collingwood Neighborhood)
- K. 912-14 Harrill Street (Neighborhood Statistical Area 51-Belmont Neighborhood)
- L. 2948 Richard Street (Neighborhood Statistical Area 7-Reid Park Neighborhood)
- M. 1221 Louise Avenue (Neighborhood Statistical Area 51-Belmont Neighborhood)
- N. 1837 Parson Street (Neighborhood Statistical Area 46-Villa Heights Neighborhood)
- O. 4901-818 Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood)
- P. 4901-824A Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood)
- Q. 4901-824B Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood)

Properties referred by Charlotte-Mecklenburg Police Department:

A. 419 Wellingford Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 419 Wellingford Street (Neighborhood Statistical Area 140-Hidden Valley Neighborhood).

Attachment 25

B. 511 West Todd Lane

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 511 West Todd Lane (Neighborhood Statistical Area 17-Todd Park Neighborhood).

Attachment 26

C. 2008 Double Oaks Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2008 Double Oaks Road (Neighborhood Statistical Area 3-Genesis Park Neighborhood).

Attachment 27

D. 3600 Beaux Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3600 Beaux Street (Neighborhood Statistical Area 12-Westerly Hills Neighborhood).

Attachment 28

E. 500 W. 24th Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 500 W. 24th Street (Neighborhood Statistical Area 36-Tryon Hills Neighborhood).

Attachment 29

F. 1509 Moretz Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1509 Moretz Avenue (Neighborhood Statistical Area 37-Druid Hills Neighborhood).

Attachment 30

G. 903-05 Anderson Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 903-05 Anderson Street (Neighborhood Statistical Area 44-North Charlotte Neighborhood).

Attachment 31

H. 911-13 Anderson Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 911-13 Anderson Street (Neighborhood Statistical Area 44-North Charlotte Neighborhood).

Attachment 32

I. 631-631B Bradford Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 631-631B Bradford Drive (Neighborhood Statistical Area 17-Thomasboro/Hoskins Neighborhood).

Attachment 33

Properties identified by Code Inspection:**J. 609 Manhasset Road**

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 609 Manhasset Road (Neighborhood Statistical Area 70-Collingwood Neighborhood).

Attachment 34

K. 912-14 Harrill Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 912-14 Harrill Street (Neighborhood Statistical Area 51-Belmont Neighborhood).

Attachment 35

L. 2948 Richard Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2948 Richard Street (Neighborhood Statistical Area 7-Reid Park Neighborhood).

Attachment 36

M. 1221 Louise Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1221 Louise Avenue (Neighborhood Statistical Area 51-Belmont Neighborhood).

Attachment 37

N. 1837 Parson Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1837 Parson Street (Neighborhood Statistical Area 46-Villa Heights Neighborhood).

Attachment 38

O. 4901-818 Ashley Circle

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4901-818 Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood).

Attachment 39

P. 4901-824 A Ashley Circle

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4901-824 A Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood).

Attachment 40

Q. 4901-824 B Ashley Circle

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4901-824 B Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood).

Attachment 41

CONSENT II

20. Lease Agreement for Police Family Services Division

Action: Approve a five-year lease agreement, in the amount of \$567,833.28, between the Charlotte-Mecklenburg Police Department and Children and Family Services, Inc. for office space for the Police Department's Family Services Division.

Staff Resource: Tim Danchess, Charlotte-Mecklenburg Police

Explanation:

The Family Services Division of the Charlotte-Mecklenburg Police Department consists of the Domestic Violence Unit, the Juvenile Offender Unit and the Juvenile Victims Unit. Since the consolidation of the City and County Police Departments in 1993, the Family Services Division has occupied space at 618 North College Street, the former County Police Headquarters. The City pays the County a yearly occupancy charge, currently \$114,000 for use of the space.

Due to the need for additional space as well as the need to work in close proximity to the many agencies with which they partner, the Family Services Division has elected to move its offices to the Carol Grotnes Belk Children and Family Services Center located at 601 East Fifth Street. This space offers the advantage of placing the Family Services Division in the same office building with the agencies with which it communicates on a daily basis. This site is also directly across from Police Headquarters, allowing easy access to other CMPD units as well as ample parking.

The lease is for a fixed five-year term with the option to renew for one three-year term. The cost of the lease is \$567,833.28 over the five-year term and is inclusive of common area maintenance. The first year cost of the lease is \$106,950 with rates increasing about 3% per year for the remaining four years of the lease. The lease provides the Family Services Division with 5,704 square feet of space inclusive of common area.

The Children and Family Services center operates as a nonprofit corporation and offered the office space at less than fair market value, reflecting their strong desire to include the Family Services Division in the building. The lease provides that the landlord will complete the upfit of the presently unoccupied space and is providing an allowance for the upfit.

The County has been notified of CMPD's intent to vacate the office space at 618 North College Street at the end of March 2004. The Medical Examiner's Office will utilize a portion of the space vacated by CMPD.

Funding:
Police Operating Budget

21. I-277/Independence Boulevard/ Stonewall Street Intersection Improvement

Action: Approve Amendment #1 for engineering design services for the I-277/Independence Boulevard/Stonewall Street Intersection Improvement Project with PBS&J in the amount of \$196,622.

Staff Resource: Bette Frederick, Engineering and Property Management

Explanation:

This project will provide pedestrian and automobile connectivity for the intersection of the I-277 off-ramp at Kenilworth Avenue and the realigned old Independence Boulevard at Stonewall Street. The project is part of the Stonewall Streetscape Improvements to make a more pedestrian friendly area by realigning the I-277 ramps, and installing sidewalks and planting strips. The original contract provided a plan for review by the NCDOT and the Federal Highway Administration to obtain a permit allowing the City to work on the Federal Highway System.

The original contract for planning phase services was awarded by Council in the amount of \$211,878 on May 27, 2003. As anticipated in the May 27, 2003 Council Action, Amendment #1 will provide funding for design phase services.

The project is scheduled for completion prior to November 2005.

Small Business Opportunity:

SBE Goal: 0%

Committed SBE Goal: 0%

The selection process for this project preceded the implementation of the SBO Program for professional services contracts. The scope of services has not been changed and the engineer does not plan to use any new or additional sub-consultants. This amendment complies with the requirements of the SBO program.

Funding:
Economic Development Capital Investment Plan

22. Storm Water Maintenance Renewal FY01-B

Action: Approve renewal #2 for \$1,025,777 with Showalter Construction Company for continued construction of FY01B Storm Water Maintenance Package.

Staff Resource: Bill Pruitt, Engineering and Property Management

Explanation:

This renewal will enable Storm Water Services to continue regular maintenance activities under this contract, recognizing good contractor performance and competitive prices. When the contractor's work has been of good quality, renewals are recommended to extend the contracts.

The original contract agreement provides for renewals of the contract up to three times, at the City's option. This is the second renewal and will increase the contract for FY01-B from \$2,051,554 to \$3,077,331.

Small Business Opportunity:

Established SBE Goal: 6%

Committed SBE Goal: 6%

Showalter Construction Company has committed 6% (\$61,546.62) of the total contract amount to certified SBE participation.

Funding:

Storm Water Capital Investment Plan

23. Street Improvements in Annexed Areas

Action: Approve an agreement with Mulkey, Inc. for engineering services for streets in annexed areas for \$297,800.

Staff Resource: David Meachum, Engineering and Property Management

Explanation:

Periodically the City annexes areas of Mecklenburg County. The streets in the annexed areas may, or may not, meet City design standards. Mulkey, Inc. will provide engineering services to upgrade 17 streets annexed that need to be reconstructed or widened in order to conform to City standards. Several of these streets experience significant ongoing problems with flooding.

Improvements to the streets may include grading, widening, paving, reshaping ditches and installing new pipe. All new construction will be

designed to meet current City standards and Americans with Disabilities Act standards.

Mulkey, Inc. was chosen using the Council-approved qualification based selection process.

Community Input: Individual citizens have contacted the City to report problems and request remediation of problems on several streets.

Small Business Opportunity:

Established SBE Goal: 1%

Committed SBE Goal: 1%

Mulkey, Inc. has committed 1% (\$2,978) of the total contract amount to certified SBE participation.

Funding:

Transportation Capital Investment Plan

24. Muddy Creek Stream Restoration

Action: Approve an agreement for engineering services for Muddy Creek in the amount of \$233,000 with Buck Engineering.

Staff Resource: Tim Richards, Engineering & Property Management

Explanation:

This agreement will begin the planning phase of the Muddy Creek Stream Restoration Project. The project need was identified during City ranking efforts and the project will be utilized to meet Federal and State regulatory requirements for mitigation of stream and wetland impacts. The planning study will involve approximately 8,000 linear feet of stream channel, over ten acres of wetlands and three possible water quality projects. This agreement is for planning phase services only and may be amended to include further services for subsequent project phases (i.e. design, bid and construction).

Small Business Opportunity:

SBE Goal: 0%

Committed SBE Goal: 0%

The selection process for this project took place in June 2003, prior to the implementation of the SBO Program for professional services contracts.

Funding:

Storm Water Capital Investment Plan

25. Acquisition of River Run Wastewater Collection System from River Run Utilities

Action: Approve the agreement to purchase the River Run Utilities wastewater collection system in Davidson for \$1,175,000.

Staff Resource: Doug Bean, Utilities

Explanation:

The acquisition of the River Run Utilities wastewater collection system will allow the customers of the River Run development to become CMU wastewater customers. River Run residents are already CMU water customers. The purchase of this collection system will allow the transfer of wastewater (generated in the Town of Davidson) from the McDowell Wastewater Treatment Plant (WWTP) to the Cabarrus County Rocky River Regional WWTP following the completion of the North Mecklenburg Rocky River Outfall Phase 2 project. The purchase price of the acquisition was negotiated and is substantially less than the cost for CMU to construct the existing facilities being purchased.

Current policy allows CMU the opportunity to purchase privately owned and operated community water and sewer systems, which are permitted by the North Carolina Utility Commission. As CMU expands its systems, through annexation and other extension programs, the City may choose to negotiate the purchase of private systems that meet our standards, rather than paralleling the system.

Community Input:

The residents of the River Run community were aware that the acquisition would occur as soon as the construction of the necessary facilities was complete. CMU will send customers a letter describing the change of their service provider.

Funding:

Water and Sewer Capital Investment Plan

26. Sewer Pipe Cleaning Service Contract Renewal

Action: Approve a \$650,500 renewal contract with Bio-Nomic Services, Incorporated for continued Sewer Pipe Cleaning Service.

Staff Resource: Doug Bean, Utilities

Explanation:

This renewal will enable Utilities to continue providing cleaning services to existing sewer lines located throughout the City of Charlotte and

Mecklenburg County. Sewer line cleaning removes foreign materials from existing lines and restores the sewer to a minimum of 95% of the original carrying capacity.

The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. The total contract amount becomes \$1,951,500 with this renewal.

Small Business Opportunity:

Established SBE Goal: 1%

Committed SBE Goal: .38%

Bio-Nomic has committed .38% (\$2,500) of the total contract amount to an SBE firm. They have complied with the good faith efforts.

Funding:

Water and Sewer Capital Investment Plan

27. Water Main Replacement Contract

Action: A. Reject the bid of \$1,322,090.55 from Allied Grading, Incorporated of Huntersville, North Carolina pursuant to non-compliance with the Small Business Opportunity Program (SBOP), and

B. Award contract for FY04 Water Main Replacement Project to the next lowest bidder, Propst Construction Company, Incorporated of Concord, North Carolina in the amount of \$1,353,619.30.

Staff Resource: Doug Bean, Utilities

Explanation:

Allied Grading, Inc. failed to meet the established SBE goal of 5% for this project. Further, they failed to earn the minimum number of Good Faith Effort (GFE) points. Allied Grading's committed goal was 0.8%, and they earned 125 GFEs, out of a possible 280 points.

Propst Construction Company exceeded the established SBE goal of 5%, by submitting a committed goal of 5.14%. Even though Propst Construction Company only earned 135 GFEs, out of a possible 280 points, pursuant to the SBO program, attainment of the goal takes precedence over the good faith efforts. Therefore, staff recommends award to the second lowest bidder.

Small Business Opportunity:

Established SBE Goal: 5%

Committed SBE Goal: 5.14%

Propst Construction Co. committed 5.14% (\$70,200) of the total contract amount to four (4) SBE firms.

Summary of Bids:

Allied Grading, Inc.	Huntersville, NC	\$1,322,090.55
Propst Construction Company	Concord, NC	\$1,353,619.30
State Utility Contractors, Inc.	Monroe, NC	\$1,514,989.30

Funding:

Water and Sewer Capital Investment Plan

28. Sanitary Sewer Rehabilitation Change Order

Action: Approve Change Order # 1 for Sanitary Sewer Rehabilitation Contract # 03-137 in the amount of \$985,000 with Azurix North America Underground Infrastructure, Inc. for additional sanitary sewer rehabilitation work.

Staff Resource:

Doug Bean, Utilities

Explanation:

On July 22, 2002, Council approved a contract with Azurix North America Underground Infrastructure, Inc. of Bessemer, Alabama in the amount of \$3,879,924. This contract was for the rehabilitation and replacement of old sewer lines.

This change order will provide funding to complete additional work beyond that planned for the original contract scope. The Contract established unit prices for the rehabilitation of 82,000 linear feet of existing sewer mains at numerous locations throughout the collection system.

During the course of the contract, additional areas were identified that needed immediate rehabilitation work such as the Andover Road area, Old Vermillion Road area in Huntersville, and the Davidson and 18th Street area in Charlotte. The Utilities Engineering staff reviewed the unit prices for this contract and the progress being made by the contractor and recommends the City issue a change order, at the current prices, to allow additional sewer rehabilitation to be performed.

Small Business Opportunity:

Established SBE Goal: 0%

Committed SBE Goal: 0%

The SBO Program Manager waives SBE utilization goals for this contract. This project was bid prior to SBO implementation. Contractor will either self-perform, or use current subcontractors to perform the work encompassed by this change order.

Funding:

Sewer Capital Improvement Plan

29. U.S. Department of Homeland Security Emergency Management Grant

Action: A. Enter into a memorandum of agreement with the North Carolina Division of Emergency Management (NCEM), on behalf of the U. S. Department of Homeland Security, in the amount of \$2,140,637 to assist in preparing for response to terrorist events, and

B. Adopt a budget ordinance appropriating \$2,140,637 in U. S. Department of Homeland Security grant funds.

Staff Resource: Wayne Broome, Fire-Emergency Management

Explanation:

The Department of Homeland Security (DHS), through the Office of Domestic Preparedness, created the FY2003 State Homeland Security Grant Program. This program was established to provide federal assistance to state and local governments for the costs associated with purchasing equipment, conducting exercises, and conducting training for chemical, biological, radiological, nuclear and explosive terrorism events. In North Carolina, the North Carolina Division of Emergency Management (NCEM) administers this program for the U. S. Department of Homeland Security.

Funding:

U. S. Department of Homeland Security

Attachment 42

Budget Ordinance

30. U.S. Department of Justice Emergency Management Grant

Action: A. Enter into a grant agreement with the North Carolina Division of Emergency Management (NCEM), on behalf of the U. S. Department of Justice, in the amount of \$10,074 to assist in preparing for response to terrorist events, and

B. Adopt a budget ordinance appropriating \$10,074 in U.S. Department of Justice grant funds.

Staff Resource: Wayne Broome, Fire-Emergency Management

Explanation:

The U. S. Department of Justice has made funds available to implement the State Domestic Preparedness Strategic Plan. This particular grant, issued by

the North Carolina Division of Emergency Management, on behalf of the U. S. Department of Justice is to be used for training enhancements for preparedness and mitigation procedures involving terrorism. Adoption of the ordinance will facilitate terrorism preparedness for Charlotte and Mecklenburg County.

Funding:

U.S. Department of Justice-North Carolina Division of Emergency Management

Attachment 43

Budget Ordinance

31. Small Business Enterprise Loan Fund Budget Ordinance

Action: Adopt a budget ordinance totaling \$112,500 to appropriate funds received for the Small Business Enterprise Loan Fund from private sector contributors/investors: \$112,500 private grant funding (received FY04).

Staff Resource: Richard Bargoil, Economic Development Office

Explanation:

Since Council's approval of the August 25, 2003 budget ordinance, additional private sector grants have been written to the City for the Fund's \$2 million collateral reserve account. The following grants, totaling \$112,500 (received FY04) and \$62,500 (pledged FY05), have been committed since August 25, 2003:

FY04	
BB&T	\$50,000
Wachovia	<u>\$62,500</u>
Total	\$112,500
 FY05	
Wachovia	\$62,500

The additional \$62,500 from Wachovia will be included in the proposed FY05 budget.

Background

Small Business Enterprise Loan Fund

- On February 24, 2003, Council approved the structure of the Small Business Enterprise (SBE) Loan Fund, appropriated \$500,000 to the Fund, and authorized the City Manager to enter into agreements to implement the Program and the City's investment.

- On August 25, 2003, Council approved a budget ordinance to appropriate private sector grants written to the City for the program to date.
- The SBE Loan Fund provides access to capital to eligible small businesses in the Charlotte MSA. Self Help Venture Fund (the Fund Administrator), provided \$8,000,000 for lending to small businesses that are considered just below bankable. An additional \$2,000,000 in deposit accounts with Self Help - comprised of the \$500,000 investment from the City, together with additional investments from corporations and private foundations (private grant funding) – serves as a collateral reserve to Self Help for SBE loan applicants with a collateral shortfall.
- The \$2 million provides additional collateral coverage to SBE loans when there is insufficient collateral for a loan and funds set aside at the time a loan is made are accessed only after all other collateral has been liquidated in the event of a loan default.
- Since the Fund kickoff in September 2003, 10 small businesses have been approved for loans totaling \$512,000.

Attachment 44
Budget Ordinance

32. Settlement of Workers Compensation Claim-Samuel Davis

Action: Approve Workers Compensation claim settlement to Samuel Davis in the amount of \$120,000.

Staff Resources: DeWitt McCarley, City Attorney
Scott Denham, Risk Management
Melinda File, Risk Management

Explanation:

City employee Samuel Davis was injured in the line of duty and may not be able to work again. He filed a claim for Workers Compensation. The City of Charlotte has been paying compensation and medical benefits for almost ten years. After extensive negotiations with Mr. Davis' attorney, a fair and reasonable settlement agreement was reached. Under the settlement, the City will make one final payment to Samuel Davis in the amount of \$120,000 for all of his injuries and lost income. The City will obtain a full release of the claim in exchange for the payment.

Funding:

Self-insured Loss Fund

33. Settlement of Workers Compensation Claim-Chris Strawn

Action: Approve Workers Compensation claim settlement to Chris Strawn in the amount of \$125,000.

Staff Resources: DeWitt McCarley, City Attorney
Scott Denham, Risk Management
Melinda File, Risk Management

Explanation:

City employee Chris Strawn was injured in the line of duty, and may not be able to work again. He filed a claim for Workers Compensation, and the City has paid almost \$90,000 in medical benefits and compensation to date. A mediation of this claim was held on January 4, 2004, at which a fair and reasonable settlement was reached. Under the settlement, the City is to make one final payment in the amount of \$125,000 for all of his injuries and lost income. The City will obtain a full release of the claim in exchange for the payments.

Funding:

Self-insured Loss Fund

34. Airport Communications Room Upfit

Action: A. Award a contract to Titan Construction Group of Charlotte in the amount of \$487,950 for upfit of space for airport and tenant use, and

B. Adopt a budget ordinance appropriating \$560,000 from the Airport Fund Balance to be repaid from the issuance of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation:

Since 1999 the airport has added various public use and tenant space, requiring offices and equipment to be added to the terminal. This project will upfit approximately 7,000 square feet of space at three locations. The project includes construction of a communications room for the airport's communications equipment, a separate tenant communications room and relocated office space. The budget ordinance will fund the construction contract, architectural and engineering fees (\$47,652) and a 5% construction contingency (\$24,398).

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Established SBE Goal: 5%

Committed SBE Goal: 24.26 %

Titan Construction Group, the low bidder, committed 24.26% (\$118,400) of the total contract amount to certified SBE firms.

Funding:

Aviation Capital Investment Plan

Attachment 45

Budget Ordinance

35. Airport Corporate Hangar Construction Contract

Action: A. Award a change order to American Eastern Builders of Charlotte, North Carolina in the amount of \$251,661 for the construction of a corporate hangar, and

B. Adopt a budget ordinance appropriating \$260,000 from the Airport Fund Balance to be repaid from the future proceeds of the lease with Coca-Cola Bottling Company Consolidated.

Staff Resource: Jerry Orr, Aviation

Explanation:

This change order will provide for additional scope of work requested by Coca Cola Bottling Co. Consolidated including miscellaneous upgrades and additional pile foundations for the fire protection storage tank.

On June 9, 2003, Council awarded a contract in the amount of \$3,136,000 to American Eastern Builders for the construction of a new 30,000 square foot aircraft hangar to be leased to Coca Cola Bottling Co. Consolidated. The budget ordinance will fund the construction change order and additional architectural and engineering fees associated with the changes.

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Established SBE Goal: 1%

SBE Committed Goal: 0%

American Eastern Builders complied with and achieved the good faith effort points necessary to be recommended for award of the contract.

Funding

Aviation Capital Investment Plan

Attachment 46
Budget Ordinance

36. Airport Daily Parking Deck Inspection Services

Action: A. Approve a contract to Mecklenburg County not to exceed \$214,000 for building and electrical inspection services for the Daily Parking Deck, and

B. Adopt a budget ordinance appropriating \$214,000 from Airport Fund Balance to be repaid from future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation:

In August 2003 Council awarded a contract to Turner Construction Company of Charlotte, North Carolina to manage the construction of a new parking deck at the airport. This contract will provide code enforcement officials to perform building and electrical code enforcement inspections needed throughout the \$32 million deck's 16-month construction on an expedited basis. These services will be charged at a rate of \$132 per hour for building inspection services and \$165 per hour for electrical inspection services.

Funding:

Aviation Capital Investment Plan

Attachment 47
Budget Ordinance

37. Airport Daily Parking Deck-Signage Contract and Steel Change Order

Action: A. Award a low bid contract to Allen Industries, Inc. of Greensboro NC in the amount of \$345,570 for signage for the new parking deck,

B. Approve a change order to SteelFab of Charlotte NC in the amount of \$103,079.80 for a barrier cable system, and

C. Adopt a budget ordinance appropriating \$470,000 from the Airport Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation:

On August 25, 2003, Council awarded a contract to Turner Construction Company of Charlotte, North Carolina to manage the construction of a new parking deck at the airport. This contract is part of a series of contracts to construct this deck.

This contract will provide signage for the deck.

On November 24, 2003, Council awarded a contract to SteelFab for steel and miscellaneous metal needed for the construction of the deck. This change order will provide additional steel for safety restraint systems. The budget ordinance funds the construction contract, the change order and a 5% construction contingency.

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Established SBE Goal: 1%

Committed SBE Goal: 1%

Allen Industries Inc. the low bidder, committed 1% (\$3,355) of the total contract amount to certified SBE firms.

Funding:

Airport Discretionary Fund Balance

Attachment 48

Budget Ordinance

38. Airport Curbside Traffic Control Services

Action: Award a contract to Weiser Security Services, Inc. of Charlotte to provide curbside traffic control services at the Airport's passenger terminal.

Staff Resource: Jerry Orr, Aviation

Explanation:

After September 11, 2001, the Airport used off-duty Mecklenburg County Sheriff Department officers to assist with curbside traffic control services and support additional security requirements. In September 2003, the Sheriff's Department decided that they would no longer be able to assist in this capacity.

Since October 2003 Budd Security has provided this service on an interim basis. In December 2003 Airport staff sought proposals for private licensed security firms to provide long-term traffic control services. The Request for Proposals generated eight responses. A selection committee of Airport Advisory Committee members and Airport staff met and selected Weiser

Security Services, Inc. due to their cost proposal, qualifications and references.

The contract is for a period of three years beginning March 1, 2004 with two one-year extensions at the City's sole discretion. The first year rate of pay is \$10.50 per hour for officers and \$11 per hour for the on-site supervisor. At the City's discretion, the contractor may ask for a rate increase annually to reward the officers, which typically averages 2% to 3%.

Due to the uncertainty of federal security requirements, the contract is based upon a mark-up rate of the base pay of 43%. This will provide the Airport with flexibility in budgeting for additional manhours when required.

Initially, the contract provides two officers, 18 hours per day, 365 days a year. The estimated costs for these services are as follows:

1 st year:	\$215,000
2 nd year:	\$225,000
3 rd year:	\$235,000

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

This is a sole source vender service; no subcontracting is anticipated in the scope of services defined under the agreement specifications.

Funding:

Aviation Operating Budget

39. Airport Fuel Storage System for Coca-Cola Bottling Company Consolidated Corporate Hangar

Action: A. Award a contract in the amount of \$524,062.24 to Jones & Frank Corp. of Charlotte for construction of a fuel storage system to be leased to Coca Cola Bottling Co. Consolidated, and

B. Adopt a budget ordinance appropriating \$550,000 from the Airport Fund Balance to be repaid from the future proceeds of the lease with Coca-Cola Bottling Company Consolidated.

Staff Resource: Jerry Orr, Aviation

Explanation:

In September 2003 the airport advertised a solicitation of bids to provide two 12,000 gallon jet fuel storage tanks and related dispensing equipment for a hangar located in the North Corporate Aviation Area. Per the terms of the lease, the fuel system will be constructed and owned by the City, and leased

to Coca-Cola Bottling Co. Consolidated. Coca-Cola Bottling Co. Consolidated will repay the cost of construction through rental payments.

The Airport Advisory Committee recommends this action. The budget ordinance will fund the construction contract and a 5% construction contingency.

Small Business Opportunity:

Established SBE Goal: 4%

SBE Committed Goal: .31%

Jones & Frank Corp. met the good faith effort requirements. They committed .31% (\$1,610) to SBE participation.

Funding:

Aviation Capital Investment Plan

Attachment 49

Budget Ordinance

40. Appropriation of Developer Acquisition Revenue

Action: Adopt a budget ordinance totaling \$255,250 in estimated revenue for current and future acquisition of developer Rights of Way.

Staff Resource: Kent Winslow, Engineering and Property Management

Explanation:

Private development projects sometimes require infrastructure improvements to existing public facilities as a result of the regulatory process. Those improvements may require right-of-way or easements from other property owners. If the developer is unable to acquire the necessary property rights through negotiated agreement after three meaningful contacts with the property owner, the City Real Estate Division may be engaged by the developer, for a fee, to acquire the required property rights. The Real Estate Division first seeks a negotiated settlement with the property owner. The acquisition may become a condemnation if a negotiated settlement is unattainable.

Upon approval of a condemnation by Council, the developer will remit funds in the amount of the condemnation as determined by independent appraisal of the property interests to be obtained. Funds are then forwarded to the Clerk of Court and the condemnation is filed.

This action estimates funding available from developers. The funding is as follows:

Northlake Mall, Parcel #2, Roy Denman, \$110,150
 Northlake Mall, Parcel #1, John Young, \$145,100

These parcels are included for condemnation in the Property Transaction section of this agenda (N and O).

Attachment 50

Developer acquisition process
 Budget Ordinance

41. Billy Graham Parkway Improvements Municipal Agreement

Action: Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for various improvements along Billy Graham Parkway.

Staff Resource: Gus Jordi, Transportation

Explanation:

NCDOT plans to install:

- a directional crossover and left turn lane extension on Billy Graham Parkway
- a traffic signal at the intersection of Billy Graham Parkway and Westmont Drive
- a closed loop traffic signal system on Billy Graham Parkway from Westmont Drive to NC 49 (North Tryon) in Charlotte

A Municipal Agreement between the City and NCDOT is necessary.

The Municipal Agreement provides for the City to perform all work for the project. The total cost of the project will not exceed \$650,000. The NCDOT will reimburse the City \$325,000.

The format and cost sharing philosophy is consistent with past municipal agreements.

Funding:

Transportation Capital Investment Plan

Attachment 51

Resolution

42. Traffic Signal Communications Cable Design

Action: Approve a contract with CBW Communications Engineers for \$141,117 for design of fiber optic cable routes and traffic signal interconnections along NC 16 (Brookshire Boulevard).

Staff Resource: Liz Babson, Transportation

Explanation:

Fiber optic cabling and traffic signal interconnection provides the ability to remotely adjust traffic signals to instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions.

This contract is part of the Brookshire Congestion Mitigation Project, which was approved by Council on September 8, 2003. This project was approved and funded as part of an effort to improve homeland security. Brookshire Boulevard is part of the evacuation route for McGuire Nuclear Station and a major alternate route for a portion of I-85.

CBW Communications Engineers, Inc., was chosen based on their knowledge and experience on projects of this nature. They recently completed a similar project on Central and Monroe Roads.

Small Business Opportunity:

This project is federally and state funded. Per Section 1.5 of the SBO Policy, the SBO Program is designed to supplement and not replace existing requirements under North Carolina law relating to promoting minority and women business participation in City contracts that are federally funded or funded by the state. North Carolina law takes precedence over goals for small business participation established under the SBO program.

Funding:

Transportation Capital Investment Plan

43. Installation of Video Detection along Harris Boulevard Municipal Agreement

Action: Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for traffic signal video detection along NC 24-W.T. Harris Boulevard.

Staff Resource: Liz Babson, Transportation

Explanation:

NCDOT plans to install traffic signal video detection on NC 24-W.T. Harris Boulevard from SR 2467 (Mallard Creek Road) to US 29 (North Tryon Street) in Charlotte. A Municipal Agreement between the City and NCDOT is necessary.

The Municipal Agreement provides for the City to perform all work for the project. The total cost of the project will not exceed \$200,000, which is reimbursable by the NCDOT.

The format and cost sharing philosophy is consistent with past municipal agreements.

Funding:

Transportation Capital Investment Plan

Attachment 52

Resolution

44. Realignment of Tilley Morris and McKee Road Municipal Agreement

Action: Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the realignment of SR 3445 (Tilley Morris Road) and SR 3440 (McKee Road).

Staff Resource: Liz Babson, Transportation

Explanation:

NCDOT plans to realign the intersection of SR 3445 (Tilley Morris Road) and SR 3440 (McKee Road). The agreement also covers the construction of a turn lane on McKee Road. Work will include grading, base, paving, erosion control, installation of a traffic signal, striping, and seeding and mulching. A Municipal Agreement between the City and NCDOT is necessary.

The Municipal Agreement is a joint project between the NCDOT, The City of Charlotte, and the Developer. The NCDOT is contributing \$100,000 for the intersection realignment. The City is contributing \$50,000 for interconnect cable along McKee from the traffic signal at Providence Road. The Developer is contributing \$150,000 for the traffic signal at Tilley Morris Road and McKee Road, as well as the remainder of the construction. The total cost of the project is \$300,000.

The format and cost sharing philosophy is consistent with past municipal agreements.

Funding:

Transportation Capital Investment Plan

Attachment 53

Resolution

45. Police Assets Forfeiture Appropriation

Action: Adopt an ordinance appropriating \$1,220,165 in police assets forfeiture funds.

Staff Resource: Greg Crystal, Charlotte-Mecklenburg Police

Explanation:

Federal and state law permits law enforcement agencies to use assets forfeiture funds (the department's share of seized assets in drug investigations) for purposes that support police work. The Police Department wishes to appropriate \$1,220,165 of its assets forfeiture funds for the purposes outlined on the attached spending plan.

Funding:

Police Assets Forfeiture Funds

Attachment 54

Assets Forfeiture Spending Plan-February 2004
Budget Ordinance

46. Comprehensive Data Solutions, Inc. Contract Amendment

Action: Approve an amendment, in the amount of \$158,400, to the contract between the Charlotte-Mecklenburg Police Department (CMPD) and Comprehensive Data Solutions, Inc. for application programming, technical consulting and software testing services.

Staff Resource: Ron Horton, Charlotte-Mecklenburg Police

Explanation:

Comprehensive Data Solutions (CDS) consultants have provided quality assurance, requirements identification, software testing, and project management support to CMPD's Computer Technology Solutions Section since June 26, 2000. CDS also provides ongoing support, monitoring, and enhancements to the department's CAD system and KBCOPS Records Management System. In addition, the vendor knows the CMPD configuration and architecture which facilitates the development and implementation of the National Incident Based Reporting System (NIBRS)

which is replacing the FBI's Uniform Crime Reporting System (UCR). CMPD currently employs two CDS employees.

CMPD requests this amendment to the dollar amount of this contract to cover unanticipated costs incurred when a system failed, to test and evaluate an Oracle software upgrade and to perform additional tasks in support of our Research and Analysis Section in making the conversion to NIBRS. Council approved the contract with Comprehensive Data Solutions on July 22, 2003 but some of the funds in that contract had to be used to recover the contractor's time in recovering data from the corrupted system and making system modifications. The amendment will allow the contractor to complete the tasks outlined in the original contract. The amendment will extend the performance period for an additional CDS employee through April 30, 2004.

Small Business Opportunity:

The selection process for this project preceded the implementation of the SBO program for professional contracts. This amendment complies with Section 10.3 of the SBO program.

Funding:

CMPD FY2004 Operating Budget

47. Property Transactions

Action: Approve the following property acquisitions (A-I) and adopt the condemnation resolutions (J-O).

For property transaction A, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired for Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition cost are eligible for Federal Aviation Administration reimbursement.

For property transactions B-D and K, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraiser takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/improvements with certain attributes. Property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

NOTE: Condemnation Resolutions are on file in the City Clerk's Office.

Acquisitions:

- A. Project:** Airport Master Plan Acquisition
Owner(s): R & L Macleod Investments
Property Address: 4923 and 4926 Larkmoore Court
Property to be acquired: 4.02 acres
Improvements: Vacant land
Purchase Price: \$150,000
Zoned: I1
Use: Vacant land
Tax Value: \$280,200
Tax Code: 141-011-42 and 141-011-43
- B. Project:** South Corridor Light Rail Transit, Parcel # 213
Property Owner(s): Donald E. Wade and wife, Carolina N. Wade

Address: 6309 Old Pineville Road
Property to be acquired: 8,802 sq. ft. (.202 ac.) of Fee Simple
Improvements: Commercial Building
Purchase Price: \$150,000
Zoned: I-2
Use: Warehouse
Tax ID: 169-162-03
Total Parcel Tax Value: \$60,800

C. Project: South Corridor Light Rail Transit, Parcel # 219/225
Property Owner(s): Owsley Enterprises, a partnership
Address: 5701 Old Pineville Road
Property to be acquired: 196,914 sq. ft. (4.520 ac.) of Fee Simple
Improvements: Commercial Building
Purchase Price: \$1,342,925
Zoned: I-2
Use: Warehouse
Tax ID: 169-092-06 and 169-092-07
Total Parcel Tax Value: \$779,100

D. Project: South Corridor Light Rail Transit, Parcel #263
Eng. Number: 512-01-078
Property Owner(s): John W. Grice Company
Address: 4750 Old Pineville Road
Property to be acquired: 151,391 sq. ft. (3.475 ac.) of Fee Simple
Improvements: Skating rink
Purchase Price: \$1,791,750
Zoned: I-2
Use: Skating rink
Tax ID: 169-011-12
Total Parcel Tax Value: \$851,100

E. Project: NC49/US 29 Interchange, Parcel # 44,
Owner(s): Elbert Associates
Property Address: 7226 North Tryon Street
Property to be acquired: 50,233 sq.ft. (1.153 ac.) of Fee Simple plus 1,917 sq.ft. (.044 ac.) of Storm Drainage Easement, plus 12,743 sq.ft. (.293 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$227,050
Remarks: Compensation was established by an independent, certified appraisal.
Zoned: B-2 (CD)
Use: Commercial
Tax Code: 049-181-04

Total Parcel Tax Value: \$1,672,700

- E. Project:** Sanitary Sewer to Serve Vernon Drive/Providence Sewer Realignment, Parcel # 1
Owner(s): Charles Myers and Elizabeth Myers
Property Address: 1108 Chollywood Drive
Property to be acquired: 1,078 sq.ft. (.025 ac.) of Utility Easement, plus 4,154 sq.ft. (.095 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,000
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: R-3
Use: Vacant
Tax Code: 181-053-55
Total Parcel Tax Value: \$227,600
- F. Project:** NC49/US29 Interchange Reconstruction, Parcel # 24
Owner(s): Simmco, LLC
Property Address: 6797 North Tryon Street
Property to be acquired: 651 sq.ft. (.015 ac.) Fee Simple, plus 3,068 sq.ft. (.070 ac.) of Temporary Construction Easement
Improvements: Chainlink Fence
Landscaping: Tree
Purchase Price: \$15,600
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-2
Use: Commercial/Vacant
Tax Code: 089-251-97
Total Parcel Tax Value: \$167,270
- G. Project:** NC49/US29 Interchange Reconstruction, Parcel # 22
Owner(s): First Citizens Bank and Trust Company
Property Address: 6709 North Tryon Street
Property to be acquired: 39 sq.ft. (.001 ac.) of Utility Easement, plus 3,187 sq.ft. (.073 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: Four Crepe Myrtles and Various Shrubbery
Purchase Price: \$14,900
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-2
Use: Bank
Tax Code: 089-172-45
Total Parcel Tax Value: \$623,210

- H. Project:** NC49/US29 Interchange Reconstruction, Parcel # 19
Owner(s): 6624 North Tryon, LLC
Property Address: 6624 North Tryon Street
Property to be acquired: 495 sq.ft. (.011 ac.) of Fee Simple, plus 4,295 sq.ft. (.099 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$16,675
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-2
Use: Warehouse
Tax Code: 049-081-04
Total Parcel Tax Value: \$172,680
- I. Project:** NC49/US 29 Interchange Reconstruction, Parcel # 18
Owner(s): Maria Balatsias, Trustee of the Balatsias Family Trust
Property Address: 6643 North Tryon Street
Property to be acquired: 4,977 sq.ft. (.114 ac.) of Fee Simple, plus 22 sq.ft (.001 ac.) Utility Easement, plus 1,892 sq.ft. (.043 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,200
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-2
Use: Commercial/Vacant
Tax Code: 089-172-44
Total Parcel Tax Value: \$84,500

Condemnations:

- J. Project:** South Corridor Light Rail Transit, Parcel # 111/911
Owner(s): Kenneth J. Desio and wife, Lori A. Desio and Any Other Parties of Interest
Property Address: 9349 China Grove Church Road
Property to be acquired: 12,313 sq. ft. (.283 ac.) of Permanent Easement
Improvements: None
Purchase Price: \$8,550
Zoned: B-2
Use: Warehouse
Tax Code: 205-111-10
Tax Value: \$786,800

- K. Project:** West Craighead Road Sidewalk Improvements, Parcel # 9
Owner(s): Michael A. Matlock, Trustee of the Matlock Family Trust and any other Parties of Interest
Property Address: 1053 West Craighead Road
Property to be acquired: 6,080 sq.ft. (.140 ac.) of Utility Easement, plus Permanent Drainage Easement and Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,450
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Light Manufacturing/Industrial
Tax Code: 085-091-02
Total Parcel Tax Value: \$532,380
- L. Project:** West Craighead Road Sidewalk Improvements, Parcel # 4 and 5
Owner(s): Ryder Truck Rental, Inc. and any other Parties of Interest
Property Address: 1409 and 1301 West Craighead Road
Property to be acquired: 8,961 sq.ft. (.206 ac.) of Permanent Sidewalk Easement and Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,550
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Service Garage/Industrial
Tax Code: 085-081-17 and 085-081-01
Total Parcel Tax Value: \$568,300
- M. Project:** Northlake Mall Infrastructure, Parcel # 2
Owner(s): Roy I. Denman
Property Address: 9600 Vance Road
Property to be acquired: 41,053 sq.ft. (.942 ac.) of Fee Simple plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$110,150
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3
Use: Single Family Residential
Tax Code: 025-221-04
Total Parcel Tax Value: \$126,500

- N. Project:** Northlake Mall Infrastructure, Parcel # 1
Owner(s): John B. Young
Property Address: Reames Road
Property to be acquired: 65,300 sq.ft. (1.499 ac.) of Fee Simple plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$145,100
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Vacant
Tax Code: 025-221-05
Total Parcel Tax Value: \$55,100

48. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- **January 5, 2004 Workshop**
- **January 12, 2004 Business**
- **January 20, 2004 Zoning**